

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
BEAUFORT DIVISION

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Johnny Mack Thacker,

Plaintiff,

v.

Ranaldo Myers, Director of Alvin S.
Glenn Detention Center.

C.A. No.: 9-06-1291-SB-GCK

ORDER

This matter is before the Court on the pro se Plaintiff's complaint seeking relief pursuant to Title 42, United States Code, Section 1983. The Plaintiff filed this action while he was incarcerated in the Alvin S. Glenn Detention Center. Upon his release, the Plaintiff notified the Court of his new address, which he filed with the Clerk of Court on June 5, 2006.

On July 5, 2006, the Defendant moved for summary judgment. Thereafter, on July 7, 2006, the Magistrate Judge issued a notice pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), outlining the procedure for summary judgment and advising the Plaintiff of his duty to respond to the Defendant's motion within 34 days. However, the Plaintiff failed to respond to the Defendant's motion for summary judgment.

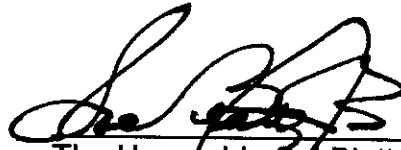
Because the Plaintiff is proceeding pro se, the Magistrate Judge issued a second order on August 14, 2006, specifically advising the Plaintiff that he had 20 additional days in which to file a response or face dismissal. Nevertheless, the Plaintiff again failed to file a response. Therefore, on September 5, 2006, the Magistrate Judge issued a report and recommendation ("R&R") wherein he recommended that the action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The

Magistrate Judge attached a notice to the R&R, advising the Plaintiff that he had 10 days in which to file specific, written objections to the R&R. To date, Plaintiff has not filed any objections.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a de novo or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985). Here, because the Plaintiff did not file any objections, the Court need not conduct a de novo review of any portion of the R&R. The Plaintiff has been afforded ample opportunity to pursue his case, but he apparently has chosen not to do so. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of the Court, and it is, therefore,

ORDERED that this action is dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.


The Honorable Sol Blatt, Jr.
Senior United States District Judge

October 16, 2006
Charleston, South Carolina

